

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claim 6 is pending. Claims 1-5 and 7 were canceled previously. Support for the amendment to Claim 6 can be found in Fig. 8, for example. No new matter is added.

In the outstanding Office Action, Claim 6 was rejected under 35 U.S.C. § 103(a) as obvious over Shigeta (Japanese Patent Pub. 07-232770) in view of Gillani (U.S. Patent No. 6,948,616) and Hollander (U.S. Patent No. 6,431,359).

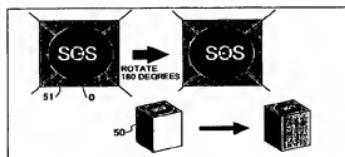
Regarding the rejection of Claim 6 as obvious over Shigeta, Gillani, and Hollander, that rejection is respectfully traversed by the present response.

Amended independent Claim 6 recites, in part:

wherein a figure having a point symmetry shape is disposed on the outside surface in a manner such that a center of the figure is displaced from a center point of the outside surface, and a three-dimensional image is observable from an upright view and upside-down view of the figure when two of the merchandise packages are juxtaposed in a manner such that one of the two merchandise packages is rotated by 180 degrees upside down.

Claim 6 as amended recites, among other things, a feature of “a three-dimensional image is observable from an upright view and upside-down view of the figure when two of the merchandise packages are juxtaposed in a manner such that one of the two merchandise packages is rotated by 180 degrees upside down.” As a non-limiting example, such a feature is illustrated in Fig. 8.

FIG.8

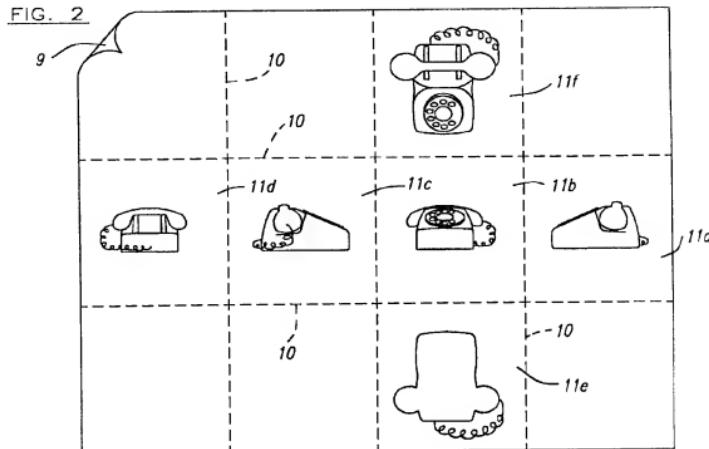


Please note that the term “upside-down” refers to the direction of the figure disposed on the outside surface. That is, rotating a package by 180 degrees upside down means rotating the package in such a manner that the figure disposed on the outside surface is flipped upside down.

Shigeta in Figs. 1(b) and 1(c) describes images 2L and 2R that produce a three dimensional image. In this case, a three-dimensional image is NOT observed from an upright view **and** upside-down view of a figure. Rather, a three-dimensional image is observed from a view of the image 2L and a view of the image 2R where the images 2L and 2R are different images.

Gillani, in Fig. 3, describes a logo image. However, assuming *arguendo* that this logo image is a figure having a point symmetry shape, Gillani is silent about the use of this logo image to produce a three dimensional image. In order for another figure to produce a three-dimensional image, the figure has to be properly disposed on the outside surface in a specific format and arrangement, such that the displacement of the center of the figure from a center point of the outside surface is a proper distance in a proper direction. Absent a teaching that the logo image of Gillani can be used to produce a three dimensional image, nothing in Gillani can be used to modify the package of Shigeta to arrive at the configuration that produces a three-dimensional image observed from an upright view and upside-down view of a figure.

Hollander describes different views of a telephone intended to represent the front, back, top, etc. of the phone when the flat pattern including the various views is folded into a box shape.



However, assuming *arguendo* that one of these telephone images is a figure having a point symmetry shape, Hollander is silent about the use of the telephone image to produce a three dimensional image. Thus, for the same reason as discussed in the case of Gillani, nothing in Hollander would have led a person of ordinary skill in the art to modify the package of Shigeta to arrive at a configuration that produces a three-dimensional image observed from an **upright view and upside-down view of a figure**.

Accordingly, Shigeta, Gillani, and Hollander, taken alone or in any reasonable combination, fail to suggest the above-noted feature of Claim 6, namely “a three-dimensional image is observable from an upright view and upside-down view of the figure when two of the merchandise packages are juxtaposed in a manner such that one of the two merchandise packages is rotated by 180 degrees upside down.” Thus, amended independent Claim 6 patentably distinguishes over any reasonable combination of references.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Lee Stepina
Registration No. 56,837

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)